United States Senate

WASHINGTON, DC 20510-4802

August 6, 2013

The Honorable Barack Obama President of the United States The White House 1600 Pennsylvania Ave, N.W. Washington, D.C. 20500

Mr. President,

I am extremely disappointed that rules designed to protect the health and safety of our nation's coal miners appear to again be delayed in the release of the Spring Unified Regulatory Agenda.

Coal workers' pneumoconiosis has long been a scourge of the coalfields of Appalachia. It has condemned those who suffered from it to years of painful and labored efforts just to be able to breathe properly. Following new laws in the 1960s and 1970s, we saw a steady decline in the incidences of black lung in our mining communities, and there was great hope and optimism that black lung would quickly become a disease of the past.

Unfortunately, we now know that those hopes were misplaced. Data collected by the National Institute of Occupational Safety and Health (NIOSH) shows that progress has stopped and the disease is not being eliminated, and continues to inflict great harm on our miners, their families and communities. Following the Upper Big Branch mine disaster, we learned that 17 of the 24 victims' autopsies had black lung, and that, of the seven who did not show signs of the disease, 4 had anthracosis, a lung condition that can be linked to black lung disease. This finding was shocking and provides a clear example of what the data had already been telling us, that this disease is back and will not go away unless we make it a priority and act.

The Mine Safety and Health Administration (MSHA) recognized this challenge in 2010 when it began its End Black Lung Now campaign. A central part of that effort proposed a rule Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors. Due to an ill-conceived policy rider inserted in the Consolidated Appropriation Act of 2012 by the House majority, the Secretary of Labor was prevented from finalizing this rule until a Government Accountability Office (GAO) report was completed that examined the underlying scientific research supporting the proposed rule. It has been nearly a year since the GAO issued their report , in which it confirmed MSHA used key scientific findings to develop the aforementioned rule. Despite this affirmation by the GAO, the rule has not moved forward.

No miner should have to face the destructive effects of black lung. This heart-wrenching disease has hurt too many miners, their families, and communities. We must act now before we lose more West Virginia coal miners to this disease. I therefore urge your Administration to work

with all involved stakeholders, especially representatives of our nation's mineworkers, to finalize a rule that protects miners from this terrible, crippling disease.

In addition to delaying the respirable dust rule designed to combat black lung, I am disappointed that the Administration has not yet finalized two important rules designed to protect coal miners; the Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines and the Proximity Detection Systems for Mobile Machines in Underground Mines. These two rules are designed to prevent crushing and pinning accidents and fatalities. Both of these rules also began the regulatory process in 2010 yet, remain in limbo.

I urge you in the strongest possible terms to direct your Administration to move forward as expeditiously as possible on all of these issues, and to reaffirm your Administration's commitment to protect the health and safety of our nation's coal miners.

Sincerely,

John D. Rockefeller IV

Cc: Sylvia Mathews Burwell, Director of the Office of Management and Budget Joe Main, Assistant Secretary of Labor for Mine Safety and Health